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S E C R E T SECTION 01 OF 03 TEGUCIGALPA 001785

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SUBJECT: CHIMIRRAZO: HONDUTEL DIRECTOR OUT; HOUSE AND
OFFICES SEARCHED

REF: TEGUCIGALPA 1325

Classified By: Ambassador Charles Ford, Reasons 1.4 (b and d)

11. (C) On November 9, Honduran police simultaneously raided the state telecommunications (Hondutel) offices across the country and the residences of Hondutel Director Marcelo Chimirri and other officials. The search warrants were executed in response to a legal complaint of illegal taping of phone calls filed personally by Honduran President Manuel "Mel" Zelaya. Zelaya - a close associate of Chimirri - was reportedly furious, and upon his return to Honduras, called the raids "brutal acts," and criticized both the police and prosecutor's office. Chimirri has been charged with abuse of authority and violation of privacy. Chimirri has not turned himself in, as he announced he would, and is considered a fugitive from justice. The general public strongly supports the raids, and public figures have all made comments supporting the rule of law. End Summary.

12. (U) At 6:30 a.m. on November 9, Cobra units simultaneously raided Hondutel offices across the country and the residences of Hondutel Director Marcelo Chimirri and several Hondutel officials. The police had search warrants for all of these sites, plus an arrest warrant for Chimirri. Chimirri was in La Ceiba at the opening of a new branch of Hondutel, "Ceibacel," so he was able to avoid arrest. Police did arrest Hondutel communications director Luis Alejandro Arreaga Mejia, though they failed to locate Chimirri legal advisor Danilo Santos Galeas. Constant media coverage showed police leaving sites with boxes of papers, cell phones, computers and arms. Chimirri immediately phoned in to various media outlets to denounce police abuses, including the number of police who raided his home and their treatment of his family, and announced his own resignation from the Liberal Party and the government.

Background on Original Complaint

13. (U) In October, a series of tapes of official phone calls were leaked to the press and were placed on YouTube.com where over 300,000 people listened to them. President Manuel "Mel" Zelaya publicly condemned the tapes and on October 22, personally visited the Public Ministry (an independent entity whose main function is to prosecute crimes and protect the public interest) to file a complaint regarding the illegal taping of these calls. The November 9 search and arrest warrants were executed in direct response to Zelaya's

complaint.

Zelaya's Response

14. (S) During the events of November 9, President Manuel Zelaya was in Santiago, Chile at the Ibero-American Summit. He did not return to Honduras until late on November 10, at which time he made no public statements. We understand from several sources, however, that he was furious. On November 11, he attended a Liberal Party event in Copan, where he characterized the raids as "brutal acts" and said the police should be out arresting delinquents, and not public officials. He said that the police made a "spectacle" that was noticed all the way to Chile. On November 12, Zelaya seemed to have changed his tune completely, although we do not know who might have influenced him. He held a press conference where he said that the raids were in response to a complaint that he himself had made, and that he would be waiting for a full report from those involved before he made any conclusions.

Charges

15. (C) On the day of the raids, Attorney General Leonidas Rosa Batista and Supreme Court President Vilma Morales visited the Ambassador to inform us of their actions. Several witnesses in the case have "protected status." They assured us all the correct legal procedures were followed so the case would not be thrown out of court. Danielia Ferrera, Prosecutor Coordinator, confirmed this assertion and told us she was confident their case was airtight. Chimirri has been charged with abuse of authority and violation of privacy. The discovery of arms led the Prosecutor's Office to add the

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charges of illegal importation and possession of firearms to the arrest warrant. In the meantime, female former employees of Hondutel have publicly denounced Chimirri for sexual harassment, and a former lover (also a Hondutel employee) has taken the opportunity to publicize her case of suing Chimirri for paternity and back child support.

Chimirri's Whereabouts?

16. (S) Throughout the weekend, the press was reporting that Chimirri would turn himself in, and his lawyers have announced they are trying to negotiate terms with the Prosecutor's Office and have asked the President to guarantee Chimirri will be able to defend himself freely. Police were shown searching hotels around the country and theories abounded about his whereabouts, which included that he was holed up in the Casa Presidencial. Chimirri is not yet in custody and we have credible evidence that he has left the country. He has been characterized as a fugitive by the Prosecutor's Office.

Chimirri's Charm Offensive

17. (C) In the meantime, Chimirri has begun a charm offensive which includes a full page photo of him and his family in El Heraldo which states, "This is the family who is victim of the Prosecutor's abuses. We demand justice." His family and representatives also visited the Human Rights Commissioner to file a complaint and visit the Italian Embassy to request protection. (Note: The Ambassador and his Italian counterpart have had several conversations about Chimirri in the past and they concur in their judgment of Chimirri.) The Italian Ambassador has publicly stated that he does not consider Chimirri to be under threat and therefore there is no reason to protect him. The general public seems to have strongly supported the raid, and unscientific call-in polls utilized by television newscasts show results at approximately 72 percent in favor.

The big Question: WHY?

18. (C) On the same day the raids took place, Zelaya ordered that his entire cabinet submit their resignations. It is customary to review the ministers' performance annually, usually in January, which often results in cabinet changes. This request was extremely early, and some surmise it was done because Zelaya was furious that the "mice were playing" when he was out of the country. We believe that an operation of this magnitude could only have taken place with the involvement or blessing of most of the major political players. Thus it is probable that such Liberal Party leaders as Carlos Flores, President of Congress Roberto Micheletti, Vice President Elvin Santos, Media Mogul Jaime Rosenthal and others may have been in agreement. These power brokers have been upset with Zelaya for many months for his many political snafus (teachers' remuneration package, Ortega inauguration, Cuba trip, transportation strike handling, etc.) and for his complicity with dark elements such as Chimirri and narco-trafficker Piero Cohen Montealegre. We are theorizing that authorizing and conducting the raids were a way for this group to flex its muscle and tell Zelaya he had better straighten out.

Comment

19. (C) The result of this entire scandal could prove to have positive ramifications for the country. Zelaya's attacks on his own government institutions caused a public uproar in the political class, and public figures from all parties came out in defense of the institutions and the rule of law. Minister of Government and Justice Edmundo Orellana said that the actions taken prove that rule of law and the Public Ministry still function. Micheletti said that "no one is above the law," and we should "let justice take its course." National Party leader Porfirio "Pepe" Lobo said that the prosecutor's office must investigate all complaints "regardless of the rank of the suspect." Renan Sagastume of the Superior Accounts Tribunal (TSC) said the TSC is supporting the Public Ministry and that we must all work to "put an end to these illicit acts" in Honduras. Ramon Custodio, who has been publicly sparring with Minister of Security Alvaro Romero,

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came out to support Romero in regard to the raids. As long as the public conversation continues to remain along the lines of supporting institutions, justice and the rule of law, the scandal could be beneficial to Honduras. In fact, this would be a very opportune time to deny entry to Marcelo Chimirri, which is currently pending before the Department (Reftel). It would be seen as an act of support for GOH institutions and show that the USG supports the rule of law.

110. (S) Zelaya, however, along with Chimirri, appears to be the big loser in this scandal. Zelaya often reacts emotionally and then changes his mind after counseled (like when he declined President Bush's lunch invitation at the Community of Democracies and then changed his mind after we approached his advisors). It appears that someone must have advised him following his initial criticisms of the police and Prosecutor's Office, because he is now speaking responsibly. The power brokers in both parties seem to be fed up with his shenanigans, and have made a bold move on one of his "untouchables." We have reliable information that Zelaya was responsible for ordering the taping of many of the calls, including those of a half dozen of his own ministers who he felt he could not trust. Zelaya can no longer fully count on his own cabinet for support. End Comment.

FORD